

Appl. No.: 09/656,678
Amdt. dated 06/29/2005
Reply to Official Action of March 31, 2005

REMARKS/ARGUMENTS

This communication is filed in response to the first Official Action of this second request for continued examination (RCE). The Official Action now rejects Claims 1-3, 5-7, 11-14, 16 and 17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,222,535 to Hurd II. The Official Action then rejects the remaining claims, namely Claims 4, 8-10 and 15 under 35 U.S.C. § 103(a) as being unpatentable over the Hurd patent. As explained below, Applicants respectfully submit that the claimed invention of the present application is patentably distinct from the Hurd patent. Accordingly, Applicants respectfully traverse the rejections of the claims as being anticipated by or unpatentable over the Hurd patent. In view of the remarks presented below, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

I. REQUEST FOR TELEPHONE INTERVIEW

Applicants' counsel again hereby requests a telephone interview after the Examiner has had an opportunity to review the remarks provided below. Such an interview would be brief and would focus only on the current rejections and cited references. Applicants' counsel, Andrew Spence, can be reached at 704-444-1411.

II. THE CLAIMED INVENTION IS PATENTABLE OVER HURD

The first Official Action rejects all of the pending claims as being anticipated by or unpatentable over the Hurd patent. In this regard, the Hurd patent provides a system and method for facilitating issue tracking. As disclosed, the system and method utilize a series of graphical user interfaces (GUIs). A first GUI has a first plurality of information accepting fields operable to accept information defining the issue from an originator, including a relative priority of the issue. In response to entry of such defining information, the information is sent to an assigned party, or can alternatively be placed in a hold state or voided. Once the information is sent to an assigned party, however, the assigned party uses a second GUI (also including a second plurality of information accepting fields) to enter information related to a proposed resolution of the issue.

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The information related to a proposed resolution of the issue is then forwarded back to the originator to make a determination of whether the proposed resolution is satisfactory.

Independent Claim 1 of the present application provides a method of collaboratively identifying, prioritizing, and resolving issues affecting a series of similar complex systems administered by an originating entity. As recited, the method is implemented over a computer network in communication with a first computer device adapted to be used by a customer in possession of a system in the series, a second computer device being adapted to be used by the originating entity, and a third computer device being adapted to be used by a committee including a customer representative and an originating entity representative. The method includes receiving, from the customer and/or the originating entity, an issue and/or a comment corresponding to the issue over the computer network onto a discussion-capable electronic media configured to have a plurality of issues and a plurality of comments posted thereon.

As also recited by independent Claim 1, the committee accesses the electronic media via the third computer device to separate the posted issues into rejected issues and action issues at least partially based on the posted comments. In addition, the committee accesses the electronic media to prioritize the action issues. For each of a plurality of action issues, based upon the priority determined by the committee, the committee assigns an action issue to either (i.e., one of) the customer or the originating entity to thereby have a resolution investigation conducted thereon. In this regard, the committee sends, along with the action issue, a set of resolution directions for conducting the resolution investigation for the assigned action issue. In response to the resolution investigation, resolution proposal is received for the action issue from the customer or the originating entity assigned the respective action issue. The resolution proposal is accessible by the committee to evaluate the resolution proposal. The committee directs implementation of the resolution proposal for the evaluated action issue, and then directs closure of the action issue upon completion of implementation.

In contrast to the claimed invention of independent Claim 1, the Hurd patent does not teach or suggest receiving an issue and/or comment corresponding to an issue affecting a plurality of similar complex systems, where the issue and/or comment is received onto a discussion-capable electronic media configured to have a plurality of issues and a plurality of

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comments posted thereon. Also contrast to the claimed invention, the Hurd patent does not teach or suggest accessing a discussion-capable electronic media including a plurality of issues to separate the issues into action issues and rejected issues. And in further contrast to the claimed invention, the Hurd patent does not teach or suggest sending, to a party assigned to conduct a resolution investigation on an action issue, the action issue and a set of resolution directions for conducting the resolution investigation for the assigned action issue.

As explained above, the Hurd patent provides a system and method for facilitating issue tracking, where the system utilizes a series of graphical user interfaces (GUIs). In addition, the Hurd system provides for sending an email message to one or more users to notify those user(s) of an assigned issue and/or proposed resolution to an assigned issue. In no event, however, does the Hurd patent disclose the use of a discussion-capable electronic media configured to have a plurality of issues and a plurality of comments posted thereon, much less for receiving an issue thereon. Likewise, nowhere does the Hurd patent disclose a GUI or email message in such a manner as to reasonably correspond to such a discussion-capable electronic media. In this regard, the Hurd patent discloses a first GUI having a first plurality of information accepting fields operable to accept information defining an issue from an originator, and a second GUI having a second plurality of information accepting fields operable to accept information defining a proposed resolution of the issue. The first and second GUIs therefore comprise electronic forms that include a plurality of fields for defining a single issue or response to a single issue. The electronic media of the claimed invention, on the other hand, is discussion-capable and configured to have a plurality of issues and comments posted thereon.

Also, as the Hurd patent treats each issue individually as to it being opened or assigned to another state, the Hurd patent also does not teach or suggest separating a plurality of issues posted on discussion-capable electronic media into action issues and rejected issues, as recited by independent Claim 1. The Hurd patent does disclose that an issue may be placed in a number of different states, including an open state for a newly created issue, an assigned state for an issue assigned for resolution, and a closed state for an opened issue for which a proposed solution has been accepted. In addition, an issue may be placed in a hold state for an issue put on hold to be subsequently reopened, and a void state for an issue for which a solution is never implemented.

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It could be suggested (although expressly not admitted as such) that the disclosed open or assigned issue corresponds to the recited action issue, and that the disclosed void issue corresponds to the recited rejected issue. Even in such an instance, however, the Hurd patent does not disclose separating a plurality of issues into open/assigned issues and void issues in a manner similar to separating issues into action issues and rejected issues, as in the claimed invention.

Further contrast to the claimed invention, the Hurd patent does not teach or suggest sending, to a party assigned to conduct a resolution investigation on an action issue, the action issue and a set of resolution directions for conducting the resolution investigation for the assigned action issue, as recited by independent Claim 1. As indicated above, the Hurd patent does disclose sending a notification email message to the party/parties assigned to resolve an open issue. The Hurd patent does not disclose, however, that the email message includes a set of resolution directions for conducting the resolution investigation for the assigned issue. Instead, the email message includes a notification that the issue has been assigned, and directs the assigned party to sign on to the disclosed system to retrieve details regarding the issue. In addition, the email message may include an issue description, suspense information (i.e., a time frame in which the issue is to be resolved) and originator information. Hurd Patent, column 4, lines 58-66. None of the disclosed notification, direction to retrieve issue details, issue description, suspense information or originator information, however, can reasonably be considered to correspond to directions for conducting a resolution investigation for an assigned issue, in a manner similar to the claimed invention.

Applicants therefore respectfully submit that the claimed invention of independent Claim 1, and by dependency Claims 2-4, is patentably distinct from the Hurd patent. Applicants also respectfully submit that independent Claims 5 and 11 recite subject matter similar to that of independent Claim 1. That is, independent Claims 5 and 11 recite separating posted issues into rejected issues and action issues, and prioritizing the action issues. In addition, independent Claims 5 and 11 recite assigning a customer or originating entity to conduct a resolution investigation for an action issue, and sending, with the assigned issue, a set of resolution directions for conducting the resolution investigation. Applicants therefore respectfully submit

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that independent Claims 5 and 11, and by dependency Claims 5-10 and 12-17, are patentably distinct from the Hurd patent for at least the same reasons given above with respect to independent Claim 1. As such, Applicants respectfully submit that the rejections of Claims 1-17 under 35 U.S.C. §102(e) as being anticipated by the Ferguson patent, or under 35 U.S.C. §103(a) as being unpatentable over the Hurd patent, are overcome.

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CONCLUSION

In view of the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,




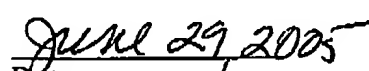
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.


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